

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sexually Violent Persons Commitment Act is
5 amended by changing Section 15 and by adding Section 9 as
6 follows:

7 (725 ILCS 207/9 new)

8 Sec. 9. Sexually violent person review; written
9 notification to State's Attorney. The Illinois Department of
10 Corrections, not later than 6 months prior to the anticipated
11 release from imprisonment or the anticipated entry into
12 mandatory supervised release of a person who has been convicted
13 or adjudicated delinquent of a sexually violent offense, shall
14 send written notice to the State's Attorney in the county in
15 which the person was convicted or adjudicated delinquent of the
16 sexually violent offense informing the State's Attorney of the
17 person's anticipated release date and that the person will be
18 considered for commitment under this Act prior to that release
19 date.

20 (725 ILCS 207/15)

21 Sec. 15. Sexually violent person petition; contents;
22 filing.

23 (a) A petition alleging that a person is a sexually violent
24 person may be filed by:

25 (1) The Attorney General, at the request of the agency
26 with jurisdiction over the person, as defined in subsection
27 (a) of Section 10 of this Act, or on his or her own motion.
28 If the Attorney General, after consulting with and advising
29 the State's Attorney of the county referenced in paragraph
30 (a)(2) of this Section, decides to file a petition under
31 this Section, he or she shall file the petition before the

1 date of the release or discharge of the person or within 30
2 days of placement onto parole or mandatory supervised
3 release for an offense enumerated in paragraph (e) of
4 Section 5 of this Act.

5 (2) If the Attorney General does not file a petition
6 under this Section, the State's Attorney of the county in
7 which the person was convicted of a sexually violent
8 offense, adjudicated delinquent for a sexually violent
9 offense or found not guilty of or not responsible for a
10 sexually violent offense by reason of insanity, mental
11 disease, or mental defect may file a petition.

12 (3) The Attorney General and the State's Attorney
13 referenced in paragraph (a) (2) of this Section jointly.

14 (b) A petition filed under this Section shall allege that
15 all of the following apply to the person alleged to be a
16 sexually violent person:

17 (1) The person satisfies any of the following criteria:

18 (A) The person has been convicted of a sexually
19 violent offense;

20 (B) The person has been found delinquent for a
21 sexually violent offense; or

22 (C) The person has been found not guilty of a
23 sexually violent offense by reason of insanity, mental
24 disease, or mental defect.

25 (2) (Blank).

26 (3) (Blank).

27 (4) The person has a mental disorder.

28 (5) The person is dangerous to others because the
29 person's mental disorder creates a substantial probability
30 that he or she will engage in acts of sexual violence.

31 (b-5) The petition must be filed no ~~+(1) No~~ more than 90
32 days before discharge or entry into mandatory supervised
33 release from a Department of Corrections correctional facility
34 for a sentence that was imposed upon a conviction for a
35 sexually violent offense. ~~, or for a sentence that is being~~
36 ~~served concurrently or consecutively with a sexually violent~~

1 ~~offense, and no more than 30 days after the person's entry into~~
2 ~~parole or mandatory supervised release; or~~

3 ~~(2) No more than 90 days before discharge or release:~~

4 ~~(A) from a Department of Juvenile Justice juvenile~~
5 ~~correctional facility if the person was placed in the~~
6 ~~facility for being adjudicated delinquent under~~
7 ~~Section 5-20 of the Juvenile Court Act of 1987 or found~~
8 ~~guilty under Section 5-620 of that Act on the basis of~~
9 ~~a sexually violent offense; or~~

10 ~~(B) from a commitment order that was entered as a~~
11 ~~result of a sexually violent offense.~~

12 (b-6) A person convicted of a sexually violent offense
13 remains eligible for commitment as a sexually violent person
14 pursuant to this Act under the following circumstances: (1) the
15 person is in custody for a sentence that is being served
16 concurrently or consecutively with a sexually violent offense;
17 (2) the person returns to the custody of the Illinois
18 Department of Corrections for any reason during the term of
19 parole or mandatory supervised release being served for a
20 sexually violent offense; or (3) the person is convicted or
21 adjudicated delinquent for any offense committed during the
22 term of parole or mandatory supervised release being served for
23 a sexually violent offense, regardless of whether that
24 conviction or adjudication was for a sexually violent offense.

25 (c) A petition filed under this Section shall state with
26 particularity essential facts to establish probable cause to
27 believe the person is a sexually violent person. If the
28 petition alleges that a sexually violent offense or act that is
29 a basis for the allegation under paragraph (b)(1) of this
30 Section was an act that was sexually motivated as provided
31 under paragraph (e)(2) of Section 5 of this Act, the petition
32 shall state the grounds on which the offense or act is alleged
33 to be sexually motivated.

34 (d) A petition under this Section shall be filed in either
35 of the following:

36 (1) The circuit court for the county in which the

1 person was convicted of a sexually violent offense,
2 adjudicated delinquent for a sexually violent offense or
3 found not guilty of a sexually violent offense by reason of
4 insanity, mental disease or mental defect.

5 (2) The circuit court for the county in which the
6 person is in custody under a sentence, a placement to a
7 Department of Corrections correctional facility or a
8 Department of Juvenile Justice juvenile correctional
9 facility, or a commitment order.

10 (e) The filing of a petition under this Act shall toll the
11 running of the term of parole or mandatory supervised release
12 until:

13 (1) dismissal of the petition filed under this Act;

14 (2) a finding by a judge or jury that the respondent is
15 not a sexually violent person; or

16 (3) the sexually violent person is conditionally
17 released or discharged under Section 60 or 65 of this Act.

18 (Source: P.A. 94-696, eff. 6-1-06.)